



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,823	02/23/2004	David E. Leeman		5456

7590

09/14/2006

James C. Wray  
Suite 300  
1493 Chain Bridge Road  
McLean, VA 22101

EXAMINER

PARSLEY, DAVID J

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/782,823		LEEMAN, DAVID E.	
	<b>Examiner</b>		<b>Art Unit</b>	
	David J. Parsley		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **Detailed Action**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-19-06 has been entered.

### ***Claim Objections***

2. Claim 7 recites the limitation "the locking mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the undercuts" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "the device to be mounted" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the locking mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,189,489 to Pearce.

Referring to claim 1, Pearce discloses a grid connector locking mechanism comprising, a device to be mounted – at 3-10, a wire grid – at 12-16, an extension – at 13-18, projecting from the device to be mounted – see figures 1-3, wherein the extension has a top surface – at 13,18, that is larger than a base – at 17, of the extension – see figures 1-3, the base of the extension is connected to the device to be mounted – see figures 1-3, undercuts – at the gaps between the threads – at 17 and – at 20, forming a gap between the top surface of the extension and the base of the extension on the device to be mounted – see figures 1-3, wherein the extension is smaller in dimensions than openings in the wire grid – at 12-16 – see figure 1, wherein the extension passes through the openings in the wire grid until the undercuts which form the gap are in the plane of the wire grid – see figures 1-3, one or more of the undercuts on an underside of the top surface receive the wire grid – see at 17 and 20 in figures 1-3. Pearce does not disclose the extension and device to be mounted are rotated roughly 45 degrees. However, these are intended use/functional limitations in an apparatus claim and it is deemed that the device of Pearce is capable of performing these functions in that the device to be mounted – at 3-10 and the

extension – at 13-20 are sized and dimensioned to be rotated into the desired position in relation to the wire grid as seen in figure 1.

Referring to claim 3, Pearce discloses the device to be mounted is mounted on a vertical grid – at 12-16 – see figure 1.

Referring to claim 4, Pearce discloses the undercuts – at 17 and 20, are located on opposite corners of the extension – see figures 1-3.

Referring to claim 6, Pearce discloses the extensions – at 13,18, are separately attached to the device to be mounted – see figures 1-3.

Claims 10-15, 21-27, 33-34, 36-37, 39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,914,856 to Kennedy.

Referring to claim 10, Kennedy discloses a bait trap comprising, first and second halves – of item 10, for forming a complete cylindrical container – see figure 2, top, bottom and side surfaces of the cylindrical container – see at 10 in figures 2-3, one or more openings – at 80, in the side surface of the cylindrical container – see figures 2-3, one or more hinges connected the first half to the second half – at 60,64 – see figures 2-4, raised regions – at 74,70, for improving grip – see figures 2-5, protrusions and tabs – at 58,68,72, on edges of the surfaces of the first and second halves for locking the cylindrical container closed – see figures 2-5, protrusions and tabs on edges of the top and bottom surfaces – at 58,68,72, of the first and second halves for locking the cylindrical container closed – see figures 2-5, it is noted that the claim is not written to differentiate between the protrusions and tabs on edges of the surfaces and the protrusions and tabs on edges of the top and bottom surfaces and therefore it is deemed that the tabs and protrusions – at 58,68,72, meet all of these claim limitations as written. Kennedy further

Art Unit: 3643

discloses extensions – at 48,50, on edges of the side surfaces with a top – a the top of the wire – at 48,50, a gap – proximate 50 and 38 as seen in figures 2-5, and a base – at 50, connected to the side edges – see at 48 in figure 5, and undercuts in the gap – see proximate 38,48, for locking a wire grid between the undercuts and the edges of the side surfaces – see at the wire grid of the trap in figure 1.

Referring to claim 11, Kennedy discloses the protrusions and tabs are on edges of the top and bottom surfaces of the first and second halves for locking the cylindrical container closed – see at 58-72 in figures 2-4.

Referring to claims 12 and 24, Kennedy discloses the bait trap is used inside fishing traps – see figure 1.

Referring to claims 13 and 25, Kennedy discloses the cylinder is plastic – see column 2 lines 23-50.

Referring to claims 14 and 26, Kennedy discloses the one or more openings are rectangular – see at 80 in figure 2.

Referring to claims 15 and 27, Kennedy discloses the one or more openings are arranged in rows – see at 80 in figure 2.

Referring to claims 21 and 33, Kennedy discloses the first and second halves are closed by pushing two halves together and locking the protrusions into the tabs – see at 58-72 in figures 2-4.

Referring to claims 22 and 34, Kennedy discloses the first and second halves are opened by applying pressure to the top and bottom surfaces and pulling the first and second halves away from one another – see at 58-72 in figures 2-4.

Referring to claim 23, Kennedy discloses a bait trap with locking mechanism comprising, first and second halves for forming a complete container – at 10, top, bottom and side surfaces of the cylindrical container – see at 10 in figures 2-4, one or more openings – at 80, in the side surface of the cylindrical container – see figures 2-4, one or more hinges – at 60,64, connecting the first half to the second half – see figures 2-4, protrusions and tabs – at 58-72, on edges of the top and bottom surfaces of the first and second halves for locking the cylindrical container closed – see figures 2-4, an extension – at 36,48, extending from the cylindrical container – see figures 2-5, wherein the extension has a top surface – at the top of 48, that is larger (being longer) than a base of the extension – at 50, which is connected to the cylindrical container – via item 48 – see figures 2-5, a gap – proximate 38, between the top surface of the extension – at 48, and the side surface of the cylindrical container – see figures 2-4, wherein the extension is smaller in dimensions than openings in a wire grid – see the trap in figure 1, wherein the extension passes through the openings in a wire grid until the undercuts and the gap are in a plane of the wire grid – see figures 1-5, one or more of the undercuts on an underside of the top surface receives the wire grid – see figure 1, and wherein the wire grid is locked into the undercuts – see figure 1. Kennedy does not disclose the extension and device to be mounted are rotated roughly 45 degrees. However, these are intended use/functional limitations in an apparatus claim and it is deemed that the device of Kennedy is capable of performing these functions in that the device to be mounted – at 10 and the extension – at 38,48 are sized and dimensioned to be rotated into the desired position in relation to the wire grid as seen in figure 1.

Referring to claim 36, Kennedy further discloses the device to be mounted is mounted on a vertical grid – see the trap in figure 1.

Referring to claim 37, Kennedy further discloses the undercuts – proximate 38, are located on opposite corners of the extension – at 48 – see figures 2-5.

Referring to claim 39, Kennedy further discloses the extensions are separately attached to the device to be mounted – see at 38,48 in figures 2-4.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce as applied to claim 1 above.

Referring to claim 2, Pearce does not disclose the extension is square shaped. However, applicant does not state that the extension being square shaped is critical to the operation of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to take the device of Pearce and add the extension being square shaped, so as to allow for the device to be made more durable.

Referring to claim 5, Pearce does not disclose the extensions are integrally molded with the device to be mounted. However, applicant does not state that the extension being integrally molded with the device to be mounted is critical to the operation of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to take the device of Pearce and add



Art Unit: 3643

the extension being integrally molded, so as to allow for the device to be easier and quicker to manufacture.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce as applied to claim 1 above, and further in view of U.S. Patent No. 4,638,588 to Abadie.

Referring to claim 7, Pearce does not disclose the locking mechanism is split in half forming two equilateral halves. Abadie does disclose the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Pearce and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 8, Pearce as modified by Abadie further discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Pearce and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 9, Pearce as modified by Abadie further discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Pearce and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 10 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 16, Kennedy does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the cylindrical container – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 17, Kennedy does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 10 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

Referring to claim 18, Kennedy does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the

device of Kennedy and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 20, Kennedy does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52, 54, are vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 10 above, and further in view of Abadie. Kennedy does not disclose a loop for hanging the apparatus when not in use. Abadie does disclose a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the hanging loop of Abadie, so as to allow for the device to be easily stored and transported.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 23 above, and further in view of GB Patent No. 2226743 to Bristow.

Referring to claim 28, Kennedy does not disclose the raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container. Bristow does disclose the raised regions are concentric ridges – at 30-38, on the top and bottom surfaces of the cylindrical container – see for example figures 1-2. Therefore it would have been obvious to one of ordinary

Art Unit: 3643

skill in the art to take the device of Kennedy and add the concentric ridges on the top and bottom surfaces of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Referring to claim 29, Kennedy does not disclose the raised regions are dimples along the outside surface of the cylindrical container. Bristow does disclose the raised regions – at 36, are dimples on the outside surface of the cylindrical container – see for example figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the raised dimples on the container of Bristow, so as to allow for any objects located inside the device to be securely held inside the device.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 23 above, and further in view of U.S. Patent No. 5,606,820 to Suddeth.

Referring to claim 30, Kennedy does not disclose the one or more hinges is three hinges. Suddeth does disclose the one or more hinges – at 52,54, is three hinges – see for example figures 5-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add three hinges of Suddeth, so as to allow for the two halves of the container to be securely and movably connected to one another.

Referring to claim 32, Kennedy does not disclose the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container. Suddeth does disclose the hinges – at 52,54, are vertical bars – at 52, on half of the container that lock into half circle depressions – at 54, on the opposite half of the container – see for example figures 3-4. Therefore it would have been obvious to one of ordinary

Art Unit: 3643

skill in the art to take the device of Kennedy and add the hinges comprising bars and half circle depressions of Suddeth, so as to allow for the two halves of the container to be securely held together.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 23 above, and further in view of Abadie. Kennedy does not disclose a loop for hanging the apparatus when not in use. Abadie does disclose a loop – at 36, for hanging the apparatus when not in use – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the hanging loop of Abadie, so as to allow for the device to be easily stored and transported.

Claims 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 23 above.

Referring to claim 35, Kennedy does not disclose the extension is square shaped. However, applicant does not state that the extension being square shaped is critical to the operation of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the extension being square shaped, so as to allow for the device to be made more durable.

Referring to claim 38, Kennedy does not disclose the extensions are integrally molded with the device to be mounted. However, applicant does not state that the extension being integrally molded with the device to be mounted is critical to the operation of the invention. Therefore, it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the extension being integrally molded, so as to allow for the device to be easier and quicker to manufacture.

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy as applied to claim 23 above, and further in view of U.S. Patent No. 4,638,588 to Abadie.

Referring to claim 40, Kennedy does not disclose the locking mechanism is split in half forming two equilateral halves. Abadie does disclose the locking mechanism – see at 12, 18, is split in half, forming two equilateral halves – see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 41, Kennedy as modified by Abadie further discloses a protrusion – at 24 or 28, on one half of the locking mechanism and a corresponding receptacle – at 18 on the opposite half of the locking mechanism – see for example figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

Referring to claim 42, Kennedy as modified by Abadie further discloses the protrusion fits into the receptacle to create a locked complete locking mechanism – see for example – at 18, 24 and 28 as seen in figures 1-2 of Abadie. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kennedy and add the locking mechanism of Abadie, so as to ensure that the components of the device are securely held to the wire grid.

### ***Response to Arguments***


5. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Parsley  
Patent Examiner  
Art Unit 3643